



Case 1:20-cv-04448-LJL Document 87 Filed 05/03/22 Page 1 of 4
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May 3, 2022

VIA ECF FILING ONLY

Judge Lewis J. Liman
United States Southern District Court

RE: Alex Holmes, et al. v. Chet Stojanovich
Case No. : 20cv4448 (LJL)

Dear Judge Liman:

As you know I represent the plaintiffs in the above referenced matter. I apologize for missing the conference today at 3:00 p.m., I was enthralled in a deposition that I thought would end earlier and lost track of time.

Mr. Stojanovich has not provided me with any documentation as ordered by the Court to purge himself of Your Honor's contempt finding.

I note that Mr Stojanovich is currently incarcerated in the MDC Federal Detention Center located in Brooklyn, NY. I heard from his Federal Public Defender who sent me the attached e-mail and indicated Mr. Stojanovich will be exercising his Fifth Amendment Right at any further civil proceedings.

I will await further instructions from the Court on how to proceed with the ongoing contempt issue.

Mr. Stojanovich is being provided a copy of this letter via e-mail and also to the detention center via USPS.

Respectfully submitted,

E. STEWART JONES HACKER MURPHY LLP

/s/ John F. Harwick

John F. Harwick, Esq.

jharwick@joneshacker.com

Direct Dial: (518) 213-0113

cc: Chet Stojanovich, via e-mail and USPS

John Harwick

From: Clay Kaminsky <Clay_Kaminsky@fd.org>
Sent: Friday, April 29, 2022 10:54 AM
To: John Harwick
Cc: Deanna Dudley; Lewis, David (USANYS)
Subject: RE: Activity in Case 1:20-cv-04448-LJL Holmes et al v. Chet Stojanovich, et al. Order on Motion for Conference

John,

I do not represent Mr. Stojanovich in the civil case and cannot accept service on his behalf in that case.

The criminal charges that have been filed against Mr. Stojanovich underscore his Fifth Amendment right not to incriminate himself by making statements in the civil case. I doubt that Judge Liman can constitutionally compel him to make such statements through contempt proceedings in this posture. The civil case should be stayed during the pendency of the criminal case, where I understand the government is seeking restitution on behalf of your clients.

I have copied AUSA David Lewis on this email.

Clay

Clay H. Kaminsky
Assistant Federal Defender
52 Duane St., 10th Floor
New York, NY 10007
(212) 417-8749 (office)
(646) 842-2622 (cell)

From: John Harwick [mailto:jharwick@joneshacker.com]
Sent: Thursday, April 28, 2022 1:57 PM
To: Clay Kaminsky <Clay_Kaminsky@fd.org>
Cc: Deanna Dudley <ddudley@joneshacker.com>
Subject: FW: Activity in Case 1:20-cv-04448-LJL Holmes et al v. Chet Stojanovich, et al. Order on Motion for Conference

Clay-

See the below notice of telephone hearing. I represent Chet's victims in this civil case.

John F. Harwick
Partner

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From: [NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov) <[NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov)>

Sent: Thursday, April 28, 2022 11:59 AM

To: CourtMail@nysd.uscourts.gov

Subject: Activity in Case 1:20-cv-04448-LJL Holmes et al v. Chet Mining Co, LLC et al Order on Motion for Conference

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 4/28/2022 at 11:59 AM EDT and filed on 4/28/2022

Case Name: Holmes et al v. Chet Mining Co, LLC et al

Case Number: 1:20-cv-04448-LJL

Filer:

WARNING: CASE CLOSED on 11/25/2020

Document Number: 85

ORDER granting [83] Letter Motion for Conference re: [83] LETTER MOTION for Conference addressed to Judge Lewis J. Liman from JOHN F. HARWICK, ESQ. dated 04/26/2022; granting [84] Letter Motion for Conference re: [83] LETTER MOTION for Conference addressed to Judge Lewis J. Liman from JOHN F. HARWICK, ESQ. dated 04/26/2022, [84] LETTER MOTION for Conference addressed to Judge Lewis J. Liman from JOHN F. HARWICK, ESQ. dated 04/28/2022. Plaintiffs' counsel has informed the Court that Defendant Stojanovich has been criminally charged for claims arising out of the transactions at issue in this civil proceeding and that Defendant Stojanovich is currently detained as he has not yet made bail. See Dkt. Nos. 83-84; see also USA v. Stojanovich, 22-mj-03298 (S.D.N.Y.). Plaintiffs' counsel requests

that the contempt hearing set for May 3, 2022 at 3:00 p.m. proceed as scheduled and that Plaintiffs' counsel be permitted to attend via videoconference or phone instead of in person. See Dkt. Nos. 83-84. It is hereby ORDERED that the in person contempt hearing scheduled for May 3, 2022 at 3:00 p.m. shall proceed as a telephonic hearing. Parties are directed to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101. Plaintiffs are ORDERED to serve a copy of this Order on Defendant Stojanovich via email and mail and on Defendant's counsel in the criminal matter: Clay Hubbard Kaminsky, Federal Defenders of New York Inc. (NYC), 52 Duane Street, 10th Floor, New York, NY 10007. The Clerk of Court is respectfully directed to close Dkt. Nos. 83 and 84. SO ORDERED. Telephone Conference set for 5/3/2022 at 03:00 PM before Judge Lewis J. Liman. (Signed by Judge Lewis J. Liman on 4/28/2022) (va)

1:20-cv-04448-LJL Notice has been electronically mailed to:

John Frederick Harwick jharwick@joneshacker.com, ddudley@joneshacker.com, diversen@joneshacker.com, djohnson@joneshacker.com, sfebus@joneshacker.com

Benjamin Fisher Neidl bneidl@joneshacker.com

1:20-cv-04448-LJL Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

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Electronic document Stamp:

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